

**REMARKS**

The Examiner's action and the references cited therein have been carefully considered and the application has been amended accordingly. Specifically, independent claims 1 and 8 have again been rewritten. As rewritten, claims 1 and 8 now recite that a smart card is inserted into the conditional access component and that the smart card includes a conditional access identifier for identifying the particular conditional access system to be enabled, so that the appropriate license can be automatically downloaded. For the reasons which follow, the Examiner is respectfully requested to reconsider and withdraw all grounds of rejection over prior art.

Claims 1, 8 and 9 stand rejected under 35 USC 102(b) as being anticipated by Rabne et al (U.S. Patent No. 6,006,332), the Examiner stating that Rabne teaches each and every element recited in the rejected claims. This ground of rejection is respectfully traversed for the reasons set forth hereinafter.

The present invention provides a conditional access component that includes several software items, each referred to as a conditional access system and each being directed to a particular access system. The primary feature of the present invention is to preload several conditional access systems in a single conditional access component before the component is provided to the end user, whereby the user, upon acquiring a license for a particular provider's content, can selectively enable that provider's conditional access system in the conditional access component. In this manner only a single device is required for an end-user to consume services from several conditional access systems as contrasted, for example, with prior practice wherein each provider's conditional access system was linked to its own hardware. In accordance with the present invention, several conditional access systems are preloaded in the conditional access component prior to the component being provided to the end user, but are disabled, and do not become activated until the end-user elects to activate any particular system by paying the necessary license fee and acquiring the required license.

Rejected claim 1 recites that the plurality of particular conditional access systems are loaded onto the conditional access component at the same time that the generic system is loaded onto the component and the particular conditional access systems are initially disabled, the component is provided to an end-user, a smart card comprising a conditional access identification is inserted into the component for identifying a particular preloaded

conditional access system to be used by the conditional access component based on the conditional access identification, a license is acquired for the identified conditional access system, the license is loaded into the component and the identified conditional access system is enabled after successful verification of the license.

Rejected claim 8 recites a conditional access component having a first software module embedding a basic functionality common to a plurality of different conditional access systems, said module allowing a particular identified conditional access system to be enabled subject to successful verification of a license therefor, a plurality of preloaded specific application software of which each constitutes a particular conditional access system in conjunction with the basic functionality, a non-volatile memory for storing the plurality of specific application software, the particular conditional access systems being initially disabled in the non-volatile memory, a smart card inserted into said component, means on said smart card for identifying a particular conditional access system, means for acquiring a license for the particular identified preloaded conditional access system, and means for selectively enabling the particular preloaded identified conditional access system subject to a successful verification of the corresponding license.

The elements of claims 1 and 8 are not disclosed by Rabne et al. Specifically Rabne et al fails to disclose a preloaded conditional access component that contains **initially** all variations of the future functionalities, wherein the preloaded systems are disabled until a purchase action, such as acquiring a license, is performed and wherein means are provided for selectively enabling at least one of the preloaded systems subject to successful verification of the license. Rather, Rabne et al disclose a software module that is loaded when the initial software is not able to fulfill the particular requirement, i.e., in case that the software component is not stored in the launch pad, a download is performed to load the appropriate component. Rabne et al does not disclose preloading software access systems in a conditional access component, which systems are disabled when installed, and which may be selectively enabled by the end user by acquiring a license, which is verified by the system. Accordingly, Rabne et al not only does not disclose essential elements of the rejected claims, but also it is directed to a different concept. Accordingly, the rejection of remaining claims 1 and 8 as anticipated by Rabne should be reconsidered and withdrawn.

The Examiner takes the position at page 9 of the office action that careful examination of the disclosure in applicant's specification shows that, contrary to applicant's assertions, all

variations of the future functionalities are not preloaded with the apparatus, referring to pages 6-9 of applicant's specification. Applicant respectfully disagrees. The pages to which the Examiner refers discuss several alternative means of obtaining CAA identification, configuration and acquisition. Only one of these means is presented in the claims. Specifically, at page 6, line 7, applicant discloses that the SMC could embed applications such as one or more CAA (conditional access applications). Again, at page 8, lines 22-23, applicant discloses that "[T]he CAA can be already present in the SMC," e.g., because the system was sold with the CAA inside. The fact that there may be other ways of acquiring the CAA, e.g., by acquiring in a previous session, or otherwise, such as is taught by Rabne, does not detract from the fact that one of the alternative means disclosed by applicant and set forth in the claims is that the CAA are preloaded into the component. It is perfectly appropriate to disclose multiple alternatives in a specification, only one of which is claimed as the invention. The fact remains that Rabne did not appreciate and does not disclose that the CAA might be preloaded into the component. Accordingly, the reliance upon Rabne under 35 USC 102(b) must fail. Moreover, Rabne does not teach a method or apparatus wherein CAAs are preloaded into a component and delivered in that condition to an end user, after which a smart card is inserted into the component containing a unique CAA identifier for identifying a particular preloaded CAA, based upon the identifier on the smart card, which is to be used by the component and, after verification of the license for the CAA, enabled. Again, the reliance upon Rabne under 35 USC 102(b) must fail.

Claims 2-7 and 10 stand rejected under 35 USC 103(a) as being unpatentable over Rabne et al in view of Kamperman et al. However, the disclosure of Kamperman does not make up for the aforementioned deficiencies of Rabne et al. Specifically, Kamperman et al does not disclose preloading software access systems in a conditional access component, which systems are disabled when installed, and which may be selectively enabled by the end user by acquiring a license, which is verified by the system. Accordingly, no combination of Rabne et al and Kamperman et al can be seen to render unpatentable this inventive aspect of the present invention. Accordingly, remaining claims 2-5 and 10 are allowable at least because they depend from allowable claims 1 and 8.

In view of the foregoing, reconsideration and withdrawal of all of the prior art grounds for rejection is respectfully urged and an early Notice of Allowance directed to remaining claims 1-5, 8 and 10 is courteously solicited.

Respectfully submitted,

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